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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JOSEPH E. GILLESPIE, JR.,

11 Defendant.  
12

)  
) Case No. 2:17-mj-634-GWF  
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)


**ORDER**

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 8), filed on  
14 June 13, 2017.

15 The Government requests that the Court strike Defendant's Notice of Assertion of Right to be  
16 Present in Court Unshackled (ECF No. 6) as improperly filed. The Court construes Defendant's  
17 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints  
18 during any pretrial hearing. This matter is not set for hearing on any pretrial motions. The Court,  
19 therefore, denies the Government's motion to strike as premature. Accordingly,

20 **IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 8) is **denied**.

21 DATED this 14th day of August, 2017.

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24 GEORGE FOLEY, JR.  
25 United States Magistrate Judge  
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